**REMARKS**

The present amendment is filed in response to the Examiner's Report of June 13, 2007, a response to which is due by September 13, 2007. In view of the timely filing of this amendment, the Applicant believes no fees fall due and, in particular, extension of time fees. If the Applicant is mistaken, the Commissioner is hereby authorized to deduct any necessary fees from Deposit Account No. 13-2400.

By way of the foregoing amendments, the Applicant has corrected the typographical error in paragraph [0037] noted by the Examiner. The Applicant has also amended independent claims 1 and 11 to incorporate the subject matter of claims 5 and 6 and claims 15 and 16, respectively. Claims 5, 6, 15, and 16 have been cancelled and the dependencies of claims 7 and 17 have been amended accordingly. The typographical error in claim 11 has been corrected. In the Applicant's respectful submission, the foregoing amendments introduce no new matter to the claims.

The amendments to independent claims 1 and 11 specify that the method and mobile device of the present application involve inserting image data from a camera into an active document open in an editable mode on the device. Accordingly, the present application discloses steps of detecting a first signal from the camera activator, determining that the active document is open in an editable mode, and switching from the active application to the camera application in response to the first signal if the active document is determined to be open in an editable mode. A second signal from the camera activator then causes the automatic capture of image data via the camera and automatic return to operation of the active application and the insertion of image data into the active document.

In the Office Action of June 13, 2007, the Examiner rejected claims 1-5, 7-15, and 17-19 under 35 USC § 102(b) as being anticipated by Kodama (US Patent No. 6,249,275). Dependent claims 6 and 16 were rejected under 35 USC § 103(a) as

being obvious having regard to Kodama. In rendering the rejection under 35 USC § 103(a), the Examiner took Official Notice that, "verifying if an operation is valid prior to performing said operation is well-known in the art". Based on this Official Notice, the Examiner concluded that it would have been obvious to modify the teachings of Kodoma to determine whether an active document was open in an editable mode prior to inserting an image into the document so as to avoid unnecessary image capture and the consequent power consumption. The Applicant respectfully traverses this rejection based on the amended claims and as outlined in the submissions below. As noted above, independent claims 1 and 11 now incorporate the subject matter of former claims 6 and 16, respectively.

The present application is directed to the problem of how to seamlessly and easily capture and insert image data from a camera device into a document when actively editing the document. The solution, as reflected in amended independent claims 1 and 11, is to provide a camera listener interface adapted to detect camera activation and to determine whether there is an active document open in an editable mode and, if so, to cause the capture and insertion of image data into the active document.

As reflected in independent claims 1 and 11, the method or mobile device of the present application includes detection of a first signal from the camera activator and the determination whether the active document is open in an editable mode. At times, the application active on the device may not be an application capable of receiving input image data, such as a web browser. Moreover, the active application may have multiple modes of operation and only some of those modes may permit the insertion of image data. For example, in a word processing application, when a user is manipulating pull-down menus, the open document (if any) is not "in focus" and is incapable of receiving input data. On the other hand, when a cursor is active (in focus) within an editable field of the open document, then the open document is

in an editable mode and is capable of receiving input image data. The steps of switching, capturing, and automatically resuming and inserting are conditional upon finding that the active document is open in an editable mode.

In a superficial sense, Kodama is directed to a somewhat similar issue in that Kodama attempts to simplify the input of information into multimedia documents on a handheld device. However, Kodama provides a distinctly different approach to a somewhat different problem.

Kodama describes a portable information gathering apparatus and method. The described apparatus is a handheld tablet device with an input pen and a built-in camera. The apparatus is a <u>dedicated single-propose device for building information pages</u>. The user may cycle through pages and input data into predetermined fields within the structured pages. In this regard, the predefined structure of the page includes a field for captured image data using the built-in camera. Each page is defined within memory using a pre-configured data structure, as illustrated in Figure 4. As specified in column 6, at lines 43-46, when the device is first turned on, the single-purpose application displays a blank first page and awaits user input. In other words, the device is <u>constantly and always in an input-ready mode</u>. When the user captures an image using the built-in camera, the image is automatically inserted in the predefined image location of the current page.

It will be appreciated that Kodama provides a single purpose device with a single dedicated application for creating pre-structured information pages. Kodama does not contemplate multiple applications. Moreover, the application described in Kodama has only one mode of operation. It is always in an editable state. Kodama provides no teaching or concept of "editable mode" or "non-editable mode" for an active document.

In fact, the objective of Kodama is to eliminate multiple modes, as is specified in column 2, lines 22-32. The explicit intent of Kodama is to simplify the information gathering device to provide a single-application, single-mode, editable page-format information gathering device. The device is designed to capture information, be it image information, voice information, or ink information, and automatically insert the information into the current page without any user control over the location of the inserted information. To facilitate this automation, Kodama predefines the locations for various types of input, such as the field within which an image is to be inserted in any page.

## 35 USC § 102(b)

As outlined above, Kodama fails to disclose a step or camera listener interface configured to test whether the active document is in an editable mode. A prior art reference may only anticipate a claim if it expressly or inherently discloses each and every claim limitation. Therefore, the Applicant respectfully submits that Kodama fails to anticipate independent claims 1 and 11 and, thus, the rejection under 35 USC § 102(b) should be withdrawn.

## 35 USC § 103(a)

For a single reference to render a claim obvious in circumstances where it does not explicitly teach the claimed invention, there must be evidence of a teaching, suggestion or motivation to modify that reference. In re Kotzab, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000).

The Applicant respectfully submits that the Examiner's rejection fails to provide the required evidence that a person of ordinary skill in the art would be inclined to modify Kodama's teachings. Kodama itself does not supply the suggestion or

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motivation to modify the Kodama device to include a step or listener interface configured to test whether the active document is open in an editable mode. In fact, Kodama appears to steer the person ordinarily skilled in the art away from such a modification by attempting to eliminate multiple-modes, by disclosing a device which has a single application having pre-defined memory locations for storing image data, and by providing an application that is always in an input-ready editable mode.

In her rejection, the Examiner suggests that it would be obvious to provide such a step based on Official Notice that the step of verifying if an operation is valid prior to performing the operation is well-known in the art. First, the Applicant respectfully requests that the Examiner provide concrete evidence to support the assertion of Official Notice. Indeed, MPEP 2144.03 counsels that this type of rejection ought to be "judiciously applied".
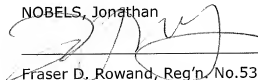
Second, even if one assumes that the Official Notice proposed by the Examiner is proper, Kodama itself teaches away from such a modification, as argued above.

Third, the Applicant respectfully submits that the alleged "common knowledge" that the Examiner points to does not actually support the rejection under 35 U.S.C. § 103(a). The Examiner took Official Notice that it is commonly known to verify if an operation is valid prior to performing the operation. In the present circumstances, using amended claim 1 as an example, the operation in question is the step of switching from operation of the active application to the camera application in response to detection of a first signal. The "verification" performed is determining whether the active document is open in an editable mode. This is not a step of verifying whether the operation of "switching" is valid. Rather, it is a step of determining there is an active document open within an active application on the device and which a user is currently editing. This determination is made because the

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presence of an open document is an editable mode allows the device to presume that activation of the camera is intended to cause capture and insertion of image data in-line within the document currently being edited. If the Official Notice taken by the Examiner is applied to the claimed method, one might expect to see a step of verifying that the step of switching is valid prior to switching. The step of determining that the active document is open in an editable mode does not reflect whether the operation of switching is "valid" or "invalid". Therefore, the Official Notice proposed by the Examiner does not assist in supplying the required evidence of a motivation to modify Kodama's teachings.

For all of these reasons, the Applicant respectfully submits that independent claims 1 and 11, as amended, are non-obvious over Kodama, and the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

Should the Examiner have any questions with regard to the foregoing amendments or submissions, she is invited to telephone the Applicant's agent, Fraser Rowand, at 416-868-1482. Should the Examiner be inclined to maintain her rejection based on Kodama, the Applicant's agent respectfully requests an opportunity to discuss the rejection and the Applicant's arguments with the Examiner to clarify any misunderstandings and to expedite the prosecution of the present application.

Respectfully Submitted,

NOBELS, Jonathan

By: _____

Fraser D. Rowand, Reg'n No.53,870

Place: Toronto, Ontario, Canada
Date: September 13, 2007
Tele No.: 416-868-1482

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